

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 3:06-cv-00544-WHA
)	
PHENIX CITY, ALABAMA, <u>et al.</u>)	
)	
)	
Defendants.)	
_____)	

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Plaintiff respectfully submits the following Proposed Voir Dire Questions:

PROPOSED QUESTIONS

BACKGROUND

- 1.) Have any of you worked for the Phenix City Fire Department or Phenix City? If so, when and in what capacity?
- 2.) Are you related to anyone who now works, or who has in the past worked, for the Phenix City Fire Department or Phenix City? If so, what is your relationship with that person and what is the position in which your relative has worked?
- 3.) Do you have any friends who now work, or who have in the past worked, for the Phenix City Fire Department or Phenix City? If so, when and in what capacity?
- 4.) Have you ever worked for a public employer? If so, when and in what capacity?

5.) Have you or any of your friends or relatives ever been dissatisfied with any services provided by the Phenix City Fire Department? If so, what were the circumstances involved?

6.) Have you or any of your friends or relatives ever been dissatisfied with any services provided by any fire department other than the Phenix City Fire Department? If so, what were the circumstances involved?

7.) Have you ever been a party in a lawsuit? If so, what type of lawsuit was involved?

8.) Have any of you ever sued your employer?

9.) Do any of you know the plaintiff, David Davis?

10.) Do any of you know the individual defendants, H.H. Roberts, who is City Manager of Phenix City or Wallace Hunter, who is the Fire Chief in the Phenix City Fire Department?

11.) What is your occupation?

12.) Who is your current employer?

13.) If applicable, what is your spouse's occupation?

14.) If applicable, who is your spouse's employer?

15.) Are you a member of any civic associations, clubs, or organizations?

16.) Has anyone close to you ever sued someone?

17.) Have you ever served on a jury before?

18.) Have you ever been a witness in court?

UNION

1.) Have you ever been a member of a union? If so, are you currently a union member? Which union? For how long? Are you an officer or steward? What has your experience been with the Union?

2.) Have you ever withdrawn your membership from a union? If so, what were the circumstances?

3.) If you have never been a member of a union, have you had any experience dealing with unions?

4.) Do you believe negative stereotypes about unions -- such as unions being corrupt or union members not being hard workers?

5.) Do you have any family members or friends who are union members? If so, what is their experience in dealing with unions?

6.) Do you support family members and/or friends' decisions to join and participate in unions?

7.) Do any of you have any negative feelings about unions?

8.) Do any of you believe that public employees like fire fighters and police officers should not be allowed to be in unions? Why?

9.) If someone loses a job because he or she is a member of a union, what do you think that person should do, if anything?

RETALIATION

1.) Do any of you have any negative feelings about people who bring lawsuits to assert their rights under the law?

2.) Do you think it's appropriate for the law to regulate the relations between an employer and an employee?

3.) Should a person who feels he or she has been treated unconstitutionally by his employer pursue a lawsuit against his employer?

4.) Have you ever been in a situation where you could have filed a lawsuit, but chose not to do so? If so, what were the circumstances and why did you make that decision?

5.) Do you think that people turn too readily to courts to solve their problems?

DEALING WITH AUTHORITY FIGURES

1.) Do you supervise other people on your job? If so, how many people do you supervise and what are your responsibilities?

2.) Have you ever had to discipline or terminate an employee? If so, what were the circumstances and how did you feel about that aspect of your job?

3.) Have you ever questioned the policies of your employer? If so, what were the circumstances and what was the outcome?

4.) If high-level officials of Phenix Fire Department testify on disputed matters in this trial, would you tend to believe their word over that of people whose jobs are lower down in the hierarchy?

5.) Some people feel like an employer should be able to hire or fire anyone they like, for whatever reason. How do you feel about that?

6.) Have you or someone close to you ever felt treated unfairly on a job? If so, what were the circumstances?

DAMAGES

1.) Do you have any hesitation about awarding money to compensate a person because his or her rights have been violated?

2.) What concerns do you have, if any, about giving people financial compensation for emotional injuries they have suffered?

3.) Do you ever feel that people get more money than they deserve in lawsuits? If so, what makes you feel like that?

4.) It's hard to put a dollar amount on emotional damages. Does this make you think that this kind of compensation should not be asked for?

MISCELLANEOUS

1.) Is there anything we haven't asked you about that you think we should know because it might be relevant to your service as a juror in this case?

2.) If you were the plaintiff in this case, would you be satisfied with a jury of people who were in the same frame of mind as you are now? If not, why?

3.) What is your understanding of the term "constitutional rights"?

4.) Are you aware that under our laws, all Americans have certain basic rights and that it is against the law to violate those rights?

Respectfully submitted,

s/ Douglas L. Steele
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PHENIX CITY, ALABAMA, <u>et al.</u>)	Judge W. Harold Albritton
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CERTIFICATE OF SERVICE

This is to certify that one true and accurate copy of Plaintiff's Proposed Voir Dire Questions was electronically filed on the following counsel for defendants on this 18th day of February, 2008.

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/s/ Douglas L. Steele
Attorney for Plaintiff